

The Honorable John H. Chun

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

FEDERAL TRADE COMMISSION,  
  
Plaintiff,  
  
v.  
  
AMAZON.COM, INC., *et al.*  
  
Defendants.

Case No. 2:23-cv-0932-JHC

**DECLARATION OF EVAN  
MENDELSON IN SUPPORT OF  
PLAINTIFF'S OPPOSITIONS TO  
DEFENDANTS' MOTIONS FOR  
SUMMARY JUDGMENT AND TO  
EXCLUDE CERTAIN EXPERT  
WITNESS TESTIMONY**

I, Evan Mendelson, hereby state that I have personal knowledge of the facts set forth below. If called as a witness, I could and would testify as follows:

1. I am a United States citizen and am over eighteen years of age. I am a staff attorney in the Division of Enforcement, Bureau of Consumer Protection at the Federal Trade Commission (FTC). My office address is 600 Pennsylvania Avenue, NW, Washington, DC 20580.

2. Consistent with Local Rule 10(e)(10), orange highlighting has been added to the

1 attachments to indicate excerpts referenced in the FTC’s Opposition briefs filed today. Blue  
2 highlighting represents material that is being filed under seal and will be redacted in the public  
3 version of this declaration and the FTC’s Oppositions.

4 3. **Attachment 152** to this declaration is a copy of exhibit “BH-2” from the January  
5 17, 2025 deposition of Benjamin Hills.

6 4. **Attachment 153** to this declaration is a copy of exhibit “BH-3” from the January  
7 17, 2025 deposition of Benjamin Hills.

8 5. **Attachment 154** to this declaration is a copy of exhibit “BH-4” from the January  
9 17, 2025 deposition of Benjamin Hills.

10 6. **Attachment 155** to this declaration is a copy of exhibit “BH-5” from the January  
11 17, 2025 deposition of Benjamin Hills.

12 7. **Attachment 156** to this declaration is a copy of exhibit “BH-5” from the January  
13 17, 2025 deposition of Benjamin Hills.

14 8. **Attachment 157** to this declaration is a copy of “Attachment A” to the opening  
15 expert report submitted by Dr. Marshini Chetty during this litigation.

16 9. **Attachment 158** to this declaration is a copy of the transcript of the audio  
17 recording for Participant 26 in Dr. Marshini Chetty’s think-aloud study (conducted from May 1  
18 to 15, 2024) referenced in her opening expert report.

19 10. **Attachment 159** to this declaration is a copy of an excerpt from a document  
20 produced by Amazon during the FTC’s investigation, with beginning Bates number  
21 AMZN\_00095809.

22 11. **Attachment 160** to this declaration is a copy of the Federal Trade Commission’s  
23 February 24, 2025 Expert Witness Disclosure.

1           12.     **Attachment 161** to this declaration is a copy of transcript excerpts from the  
2 November 18, 2024 deposition of Katherine Johnson.

3           13.     **Attachment 162** to this declaration is a copy of transcript excerpts from the  
4 December 12, 2024 deposition of Laura Kim.

5           14.     **Attachment 163** to this declaration is a copy of transcript excerpts from the  
6 March 5, 2025 deposition of Laura Kim.

7           15.     **Attachment 164** to this declaration is a copy of exhibit “KJ-2” from the  
8 November 18, 2024 deposition of Katherine Johnson.

9           16.     **Attachment 165** to this declaration is a copy of exhibit “KJ-5” from the  
10 November 18, 2024 deposition of Katherine Johnson.

11          17.     **Attachment 166** to this declaration is a copy of exhibit “KJ-7” from the  
12 November 18, 2024 deposition of Katherine Johnson.

13          18.     **Attachment 167** to this declaration is a copy of exhibit “KJ-8” from the  
14 November 18, 2024 deposition of Katherine Johnson.

15          19.     **Attachment 168** to this declaration is a copy of exhibit “KJ-14” from the  
16 November 18, 2024 deposition of Katherine Johnson.

17          20.     **Attachment 169** to this declaration is a copy of exhibit “KJ-19” from the  
18 November 18, 2024 deposition of Katherine Johnson.

19          21.     **Attachment 170** to this declaration is a copy of exhibit “KJ-21” from the  
20 November 18, 2024 deposition of Katherine Johnson.

21          22.     **Attachment 171** to this declaration is a copy of exhibit “KJ-22” from the  
22 November 18, 2024 deposition of Katherine Johnson.

23          23.     **Attachment 172** to this declaration is a copy of a document produced by Amazon

1 during this litigation, with beginning Bates number AMZN-PRM-FTC-002903588, along with  
2 its attachment with beginning Bates number AMZN-PRM-FTC-002903590.

3 24. **Attachment 173** to this declaration is a copy of the transcript from the August 19,  
4 2022 investigational hearing of David Edelstein.

5 25. **Attachment 174** to this declaration is a copy of exhibit “KJ-28” from the  
6 November 18, 2024 deposition of Katherine Johnson.

7 26. **Attachment 175** to this declaration is a copy of the transcript from the August 16,  
8 2022 investigational hearing of Reid Nelson.

9 27. **Attachment 176** to this declaration is a copy of a letter from Amazon attorney  
10 Joseph Reiter to various FTC attorneys dated February 28, 2025.

11 28. **Attachment 177** to this declaration is a copy of exhibit “LK-27” from the  
12 December 12, 2024 deposition of Laura Kim.

13 29. **Attachment 178** to this declaration is a copy of exhibit “LK-28” from the  
14 December 12, 2024 deposition of Laura Kim.

15 30. **Attachment 179** to this declaration is a copy of a document produced by the FTC  
16 during this litigation, with beginning Bates number FTCAMZN\_0079030.

17 31. **Attachment 180** to this declaration is a copy of a document produced by the FTC  
18 during this litigation, with beginning Bates number FTCAMZN\_0016534, along with the  
19 attachment to the top email reflected in the document, dated April 17, 2021.

20 32. **Attachment 181** to this declaration is a copy of a document produced by Amazon  
21 during this litigation, with beginning Bates number AMZN-PRM-FTC-000286836.

22 33. **Attachment 182** to this declaration is a copy of a document produced by Amazon  
23 during this litigation, with beginning Bates number AMZN-PRM-FTC-000286862.

1           34.     **Attachment 183** to this declaration is a copy of a document produced by Amazon  
2 during this litigation, with beginning Bates number AMZN-PRM-FTC-000403576.

3           35.     **Attachment 184** to this declaration is a copy of a document produced by Amazon  
4 during this litigation, with beginning Bates number AMZN-PRM-FTC-000652402.

5           36.     **Attachment 185** to this declaration is a copy of a declaration signed by Ryan  
6 Zwonik on June 17, 2025.

7           37.     **Attachment 186** to this declaration is a copy of a document produced by Amazon  
8 during this litigation, with beginning Bates number AMZN-PRM-FTC-000794124.

9           38.     **Attachment 187** to this declaration is a copy of exhibit “CB-1” from the  
10 December 9, 2024 deposition of Christopher (“C.R.”) Brown.

11          39.     **Attachment 188** to this declaration has been intentionally omitted.

12          40.     **Attachment 189** to this declaration is a copy of the transcript from the November  
13 17, 2009 “Aggressive Sales Tactics on the Internet and Their Impact on American Consumers”  
14 hearing before the U.S. Senate Committee on Commerce, Science, and Transportation.

15          41.     **Attachment 190** to this declaration is a copy of a November 16, 2009 staff report  
16 for the U.S. Senate Committee on Commerce, Science, and Transportation on “Aggressive Sales  
17 Tactics on the Internet and Their Impact on American Consumers.”

18          42.     **Attachment 191** to this declaration is a copy of Amazon’s April 25, 2025  
19 Objections and Responses to the Federal Trade Commission’s Fifth Set of Interrogatories to  
20 Amazon.com, Inc., and Third Set of Interrogatories to Russell Grandinetti, Neil Lindsay, and  
21 Jamil Ghani.

22          43.     **Attachment 192** to this declaration is a copy of a letter from FTC attorney  
23 Jonathan Cohen to various attorneys representing the Defendants dated May 27, 2025.

1           44.     **Attachment 193** to this declaration is a copy of a document produced by Amazon  
2 during this litigation, with beginning Bates number AMZN-PRM-FTC-001168367. I have also  
3 included a copy of the “extracted text” produced by Amazon with this document.

4           45.     **Attachment 194** to this declaration is a copy of the Federal Trade Commission’s  
5 August 23, 2024 Responses and Objections to Amazon.com, Inc.’s Fourth Set of Interrogatories.

6           46.     **Attachment 195** to this declaration is a copy of transcript excerpts from the May  
7 9, 2025 deposition of Dr. Neale Mahoney.

8           47.     **Attachment 196** to this declaration is a copy of the cover letter to the July 1,  
9 2022 Civil Investigative Demand issued to Neil Lindsay during the FTC’s investigation.

10          48.     **Attachment 197** to this declaration is a copy of the cover letter to the July 1,  
11 2022 Civil Investigative Demand issued to Russell Grandinetti during the FTC’s investigation.

12          49.     **Attachment 198** to this declaration is a copy of the cover letter to the July 1,  
13 2022 Civil Investigative Demand issued to Jamil Ghani during the FTC’s investigation.

14          50.     **Attachment 199** to this declaration has been intentionally omitted.

15          51.     **Attachment 200** to this declaration has been intentionally omitted.

16          52.     **Attachment 201** to this declaration is a copy of transcript excerpts from the  
17 November 13, 2024 deposition of Russell Grandinetti.

18          53.     **Attachment 202** to this declaration is a copy of screenshots from a video  
19 produced by Amazon during this litigation, with beginning Bates number AMZN-PRM-FTC-  
20 000346785.

21          54.     **Attachment 203** to this declaration is a copy of a document produced by Amazon  
22 during this litigation, with beginning Bates number AMZN-PRM-FTC-000970417.

23          55.     **Attachment 204** to this declaration is a copy of the transcript from the April 30,

2025 deposition of David Edelstein.

56. **Attachment 205** to this declaration is a copy of the transcript from the February 25, 2025 deposition of Reid Nelson.

57. **Attachment 206** to this declaration is a copy of transcript excerpts from the April 29, 2025 deposition of Craig Rosenberg, Ph.D.

58. **Attachment 207** to this declaration is a copy of the opening expert report submitted by Dr. Marshini Chetty during this litigation.

59. **Attachment 208** to this declaration is a copy of the rebuttal expert report submitted by Dr. Marshini Chetty during this litigation.

60. **Attachment 209** to this declaration is a copy of transcript excerpts from the April 28, 2025 deposition of Dr. Marshini Chetty.

61. **Attachment 210** to this declaration is a copy of an excerpt from Chapter 9 (pages 318 to 347) of *Human-Computer Interaction* by Alan Dix and Janet Finley (3d ed. 2004).

62. **Attachment 211** to this declaration is a copy of an excerpt from Chapter 15 of *Research Methods in Human-Computer Interaction* by Jonathan Lazar, Jinjuan Heidi Feng, and Harry Hochheiser (2d ed. 2017).

63. **Attachment 212** to this declaration is a copy of a document compiled by the FTC with screenshots from Dr. Marshini Chetty's CandyForever website and Amazon.

64. **Attachment 213** to this declaration is a copy of the transcript from the May 1, 2025 deposition of David Edelstein.

65. **Attachment 214** to this declaration is a copy of the transcript from the February 27, 2025 deposition of Reid Nelson.

66. **Attachment 215** to this declaration is a copy of the opening expert report

submitted by Dr. Neale Mahoney during this litigation.

67. **Attachment 216** to this declaration is a copy of transcript excerpts from the December 9, 2024 deposition of Christopher (“C.R.”) Brown.

68. **Attachment 217** to this declaration is a copy of transcript excerpts from the July 19, 2022 investigational hearing of Molly O’Donnell.

69. **Attachment 218** to this declaration is a copy of an excerpt from a document produced by Amazon during this litigation, with beginning Bates number AMZN-PRM-FTC-001680053.

70. **Attachment 219** to this declaration is a copy of an article titled “The Effect of Mergers on Consumer Prices: Evidence from Five Mergers on the Enforcement Margin” by Orley Ashenfelter and Daniel Hosken.

71. **Attachment 220** to this declaration is a copy of exhibit “AMZN-6” from the May 6, 2025 Rule 30(b)(6) deposition of Amazon, through its corporate representative Lisa Leung.

72. **Attachment 221** to this declaration is a copy of exhibit “AMZN-7” from the May 6, 2025 Rule 30(b)(6) deposition of Amazon, through its corporate representative Lisa Leung.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 17, 2025

/s/ Evan Mendelson  
Evan Mendelson